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KINGSTON ONTARIO CANADA

A
P L A N
O F
A S S O C I A T I O N,
O N
CONSTITUTIONAL PRINCIPLES,
FOR THE PARISHES, TITHINGS, HUNDREDS, AND COUNTIES
O F
G R E A T B R I T A I N;
BY WHICH THE OUTRAGES OF MOBS, AND THE NECESSITY OF A
M I L I T A R Y G O V E R N M E N T
WILL BE PREVENTED, AND THE
E N G L I S H C O N S T I T U T I O N
IN A GREAT MEASURE RESTORED.
I N
T H R E E L E T T E R S
T O A
M E M B E R O F P A R L I A M E N T.

The First containing—The general Causes of the late Outrages,
by the Protestant Association; and Remarks on the *Discoveries*
supposed to have been made by them.

The Second—The Plan of Association.

The Third—Objections to the Plan—The necessity of adopting
it; or some Plan of a similar nature.

INTER SE CONGRUUNT, PRÆCEPTA & EXPERIMENTA.

Quæ.

L O N D O N :

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MDCCLXXX.

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A
P L A N
O F
ASSOCIATION, &c.

LETTER I.

*Vagus primum & incertus Rumor, mox, ut in magnis mendaciis,
interfuisse se quidam & vidisse affirmabant.* TAC.

SIR,

YOU have assigned me a very difficult task, that of explaining the causes of the late Tumults and Outrages, and giving you a *concise* and *clear* account of them.

IF I were to assign a *general cause*, it would be the following—That the Administration of Government in England,

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for

for many years, has been misemployed, and its attention directed to distant and unimportant objects; while those provisions, customs, institutions, and laws, which our ancestors had left for our security, and which are sometimes called our Constitution, have been suffered to languish and die.

THE convulsions which brought on the *Revolution*, and introduced the Hanover family, did not subside into unanimity, but created a necessity of adopting a partial and contracted mode of Administration, whose object was the security of *Government*, rather than the happiness of the people. The mild hand with which measures were pursued, rendered their inconveniences almost imperceptible; and a concurrence of fortunate circumstances in commerce, having enriched us, the provisions which had been made for *particular* purposes, were directed

rected to those of ambition and conquest; and for a few years we had the vain and useless glory of giving law to Europe.

BUT these things, being bestowed by fortune, who generally omits to put up the most important blessing among her gifts, wisdom to preserve, or talents to make use of them;—we had no sooner formed an enormous empire, than it fell to pieces by the weight of its discordant parts. Our utmost efforts have been exerted to re-unite those parts; and the whole attention of the nation has been fixed on this single, and in all probability, unattainable object.

IN a succession of events, so important, so interesting, and so rapid, it will not seem wonderful, that the provisions of civil government, for internal security and happiness, should have been disused

and neglected ; and that a people who abhor a standing army, and to whose Constitution of Government it is unnecessary, injurious, and even fatal, should owe their preservation and safety to that army.

THIS, Sir, is the general cause. How far its effects may have been accelerated by the views and measures of parties, or of individuals, is an inquiry of little importance ; and which, perhaps, no man can make without sacrificing truth to his partialities and passions.

THOUGH invidious comparisons have been made between this period, and that which preceded the Civil War, and the death of Charles the First ; though a faint and distant similitude of effects have been attributed to causes exactly similar—I am inclined to believe, that Administration was actuated by views above those

those of party, in their perfect acquiescence and consent to the lenient measures taken in regard to the Roman Catholics.

THOUGH calumny has ranged through the utmost extent of our language, to obtain epithets of reproach and infamy to be applied to Gentlemen in Opposition, I am convinced, that in obtaining the act of the 18th Geo. III. chap. 60, their motives do honour to humanity. And that the measure had no ingredient of party spirit in it, is clearly evident from an omission, in all cases impolitic, and which they had never been guilty of where Administration was concerned—I mean that of attempting to render their Constituents parties, and explaining the motives on which they proceeded.

THAT it is the part of truth and wisdom

dom to *tolerate* error and folly, in order to ascertain their nature, and remedy them, is a proposition as clearly demonstrable, as any in nature. The imaginary dangers to the former from the latter, are the suggestions of folly or of *Atheism*. That an unlimited toleration of opinions may be perilous to some institutions, may be true ; for in that case *reason would be tolerated*, from whom the most alarming dangers are really to be apprehended ; but error of every kind, in opinions, and the avowal of opinions, is strengthened and established by severity and persecution.

THOSE Protestants who were not capable of reasoning in this manner, were gradually acquiescing in the truth under the evidence of facts ; and a little trouble taken to inform them by the friends of the Bill, much less than has been taken to pervert and inflame them,

them, would have quieted their minds. They saw, that notwithstanding the officious imprudence of a few bigotted and visionary priests, the great body of Roman Catholics were assimilating with the rest of his Majesty's subjects, and gradually losing their religious prejudices, in habits of attachment to a mild and happy Government. The doctrine of visiting the sins of remote ancestors on all their posterity, would depopulate the earth; for there cannot be a human being whose life is not forfeited on that principle.

THE Bill was therefore obtained without sufficient precautions in regard to the people; and the outrages * occasioned in Scotland, by apprehensions that

* In February 1779, the Mob at Edinburgh committed violent outrages on the chapels and houses of the Roman Catholics.

that the effects of it would be extended to that country, were treated with too much indifference and contempt.

INDEED, the affectation of disregard to all religious opinions, and the artifice of paying *occasional* attention to the interests and passions created by them, are circumstances which do not add so much to the dignity and importance of our senators as they imagine. A profligate and unprincipled hypocrisy excites hatred and horror in the very persons on whom it is intended to impose; whereas a plain avowal of any opinions, and a conduct uniformly consistent with them, would always be excused, and generally be respected.

You know I have in my eye, some of those wits, who expressed themselves so unguardedly, so foolishly, to the Committees of the established and dissenting

dissenting Clergy, who have so often of late had intercourses with them: almost every man in the kingdom was instantly made acquainted with their real characters and opinions, and the artifices they occasionally used, to cover and conceal them.

THIS may be deemed very artful; but it is wretched policy: it is the reason, that every thing from Parliament respecting religion, is regarded by the People with suspicion and disrespect.

LORD GEORGE GORDON, a young nobleman of good family, but of very small fortune; of an impetuous temper, and strong passions, with an understanding rather wild and uncultivated than weak; having received a tincture of religious enthusiasm at the breasts of a presbyterian nurse—saw, or imagined he saw, his road to glory in the proper manage-

ment of these circumstances. He had been a witness to what passed in Scotland ; he believed that the experiment on Toleration would be as fatal to Government, as the attempt to introduce the Liturgy had been to Charles the First ; that all Scotland would unite against the abettors of Popery ; and that he, possibly, might be their leader.

HIS disposition, his views, and his connections in Scotland, led him immediately to those Scotch Presbyterians, and those Methodists in England, who are of the same intolerant complexion. These persons, assembled with a tumultuous impetuosity, chose him their President ; and resolved on a Petition to Parliament, which they determined should be a law.

IN all these proceedings, both in England and Scotland, the people had *felt*
themselves

themselves free from any civil restraint or regulation, but in the commission of actual outrages ; and they could not be expected to have any awe or apprehension of a Government, the powers of which were sunk into disuse.

LORD GEORGE stated his measures, and avowed his intentions in Parliament. The apparent extravagance of his declarations, made in the abrupt and uncouth manner of a school-boy, generally produced a laugh, and was always treated with contempt.

THIS, in all probability, irritated his passions into vindictiveness ; and knowing he could put himself at the head of a multitude, he determined to awe and intimidate Parliament into a repeal of the Act in favour of the Roman Catholics.

THIS is the most favourable interpretation of his advertisements and conduct, previous to Friday the second of June, when twenty or thirty thousand men were assembled by him in St. George's-Fields; arranged in four divisions; sent through different parts of the City to increase their numbers; and re-assembled at the doors of the Senate. The general position was, That they *had a right* to what they asked. They therefore used violence on every member who would not engage to obey their commands.

THAT such measures had been agreed upon, is very probable, from the instructions of Lord George, That the Mob should wait for information from him, and from the manner in which he frequently gave that information; and it cannot well be doubted, that there was an intention the people should
break

break into the Houses of Parliament, and either compel them into some humiliating and ridiculous action, or drive the members out. All his harangues were of an inflammatory nature; and his followers were on the point of breaking in, when Col. ———* told him, that on the first appearance of one of the Rioters, he would plunge his sword into the bosom, not of the Rioter, but of Lord George. Not possessing the genuine spirit of martyrdom, he thought it prudent to advise the people to depart; testifying his reluctance, however, in granting Parliament the liberty of adjourning the business to Tuesday, and declaring it very possible, the house might be *blown up* by the time.

AFTER committing outrages on the Legislature, which would have dishonoured

* This fact is given merely on the authority of the newspapers. The Author was a witness to the general transactions of the Protestant Association, but was prevented by the crowd from getting into the gallery of the House of Commons.

honoured a tribe of savages—the Associated Mob proceeded in character, and in defiance of laws held sacred throughout the world, destroyed the private chapels of the foreign ambassadors, in Golden-Square and Lincoln's-Inn-Fields, and were prevented by the soldiers only from entering their houses. They employed themselves the two following days, with cool and rancorous deliberation, in the destruction of the Catholic chapel and houses in Moorfields, and the house of Sir George Savile.

ON Tuesday the sixth, they assembled near the Houses of Parliament, with less order than on the preceding Friday; and would, probably, have put many of the members to death, if the soldiers had not attended and rescued them.

BEING offended by one of the Magistrate's, they sent a detachment to destroy his house, and burn his furniture.

niture. And when Parliament broke up, and Lord George informed them, That the consideration of their Petition was put off, until the tumults subsided, a party of them took out his horses, and drew him in triumph through the City: some of the most decent and prudent, it is to be supposed, betook themselves home; but the greater number sallied out in different directions for the purposes of mischief, and depredation. Several houses were in flames on that day, and in the evening Newgate was on fire. They received so little molestation in their measures, that they professed a design of reforming the State, and turned their views to the Ministers. They sent a deputation to the Prisons of the Fleet and King's Bench, desired the prisoners might be discharged, for they had determined there should be no place of confinement in England; appointed the hour
on

on which they were to be consumed; and were punctual to their appointment.

It was not perceived they had blended *politics* with their principles of religious cruelty and depredation, until they destroyed Lord Mansfield's house; and declared in the public streets, their intention of paying off the National Debt, and being revenged on the Dutch by totally destroying the Bank of England. Then the military operations against them commenced: but with so much reluctance and caution, that on Wednesday evening, all London appeared to be on fire; and a total dissolution of every thing like order and government seemed to be taking place.

THE whole town was illuminated by the command, probably, of chandlers
and

and glaziers boys ; but every command from the streets was instantly obeyed. The flames rose in enormous columns from the King's-Bench, Fleet-Prison, the large Warehouses of Mr. Langdale the distiller, the Toll-houses on Blackfriars Bridge, and a great number of private houses.

THE Rioters patrolled the streets in parties, and laid every house, and almost every passenger under contribution. People were seen in all directions; some carrying off their own goods with a view of saving them, others with goods they had stolen: men and women lay in heaps, from a degree of intoxication which was mortal; the reports of fire arms from the soldiers, and the sight of desperadoes dropping down and dying with mingled rage and pain—all formed a scene of horror,

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which

which it is to be hoped will not soon be forgotten.

THE exertions of Government by the military power, particularly at the Bank, and the sacrifice made of many of the Rioters, checked their fury, and dispersed them.

WHEN the terrors of men were removed, their eyes were opened on the nature of their situation : every man saw, in a country which boasts of its Civil Constitution ; where personal security and liberty are said to be provided for in a better manner than in any other part of the world, that the first links and ties of that Constitution were broken ; that every family was almost detached and unsupported ; and that the slightest combination of villainy, might lay waste a neighbourhood, a town, or a district ; or might over-
throw

throw the state, unless prevented by a power, whose protection must be purchased at a price to which nothing on earth is an equivalent.

IT is on all sides confessed, that the administration of our civil government has fallen into disuse, and that the very nature of it is nearly forgotten. Timid wretches, called Englishmen, tremble at the rustling of the winds; and they bless providence for the *quiet* and safety they experience under military regulations, as sheep bleat their satisfaction in the inclosures of butchers, where they may escape the depredation of wolves.

THESE are the *discoveries* which I hinted at, as having been made by the late outrages: and they are as important to this country as can well be imagined. They form an era in the history of

our Constitution, and the measures taken at this time, will determine our disputes on Liberty and Slavery. For if civil regulations are *revived*, and the Magistrates are rendered competent to provide for our security, our Constitution will be *restored*. But if a dastardly terror, an effeminate indolence, induce us to commit the care of ourselves and families to an Army, under any appellation, or in any method of introducing it, whose assistance we have experienced in difficulties and dangers, at the remembrance of which we ought ever to blush——we then sink into the condition of our neighbours, with this only difference, that we shall be more effectually enslaved from the very nature* of our situation, and taste our misery in multiplied bitterness, while we have any recollection of our former situation.

WHEN

* All Governments *perfectly* despotic are bounded by *deserts* or by *fear*.

WHEN I mentioned discoveries, you probably expected I should point out to you the French or American agents, who have been supposed to have occasioned this tumult. I have shewn its *general causes*; I will just touch on these opinions.

No stranger can be long in this country, without perceiving its total want of police; that persons of all descriptions and characters, crowd into any corner as they think proper; that the first Magistrate of the best civil Constitution in the world, sleeps under the protection of a soldier; a being degraded from the rank of citizen, and not even known or acknowledged in that Constitution; that youth and health commit themselves to rest under the care of age and infirmity; that villainy may assemble desperadoes in any numbers, without question or molestation; and

and that the blackest crimes may be committed, and the most mischievous devastations be widely spread, before a remedy (almost as hateful as the evil) can possibly be applied.

THERE are reasons to think, that these circumstances had suggested to the French and Americans a plan of destroying London. But from the imperfect hints and circumstances I could collect, I should imagine the plan was to have taken effect, when the fleets and, perhaps, armies of the house of Bourbon appeared on our coasts.

THIS is not the only instance in which the Americans have found their allies tardy ; and we perhaps may owe the disappointment of their views, to the villainy of the Protestant Association. For there does not appear the slightest ground of suspicion, that there was any
connection

connection between those who were to execute such a plan and the Protestant Association.

NAY, we must have so much candor to the Association itself, and pay so much regard to the declarations of their Secretary, *after* the mischiefs have been committed, as to suppose it was not their intention to do *all* that has been done; that they meant merely to intimidate the Legislature, and to wreak their religious rancour on the Roman Catholics. When they had thrown open the prisons, their accession of force enlarged the views of the most active among them, and the *saints were to inherit the earth.*

IF any friends to France and America mingled with them, as there are reasons to suspect, it was done too late to have any great effect on their views or actions.

tions. They were probably disappointed in having a project taken out of their hands, which at a more convenient season, might have been executed in an effectual manner.

I have the honour to be,

S I R,

Your most obedient

June 16, 1780

humble Servant.

L E T T E R II.

What is settled by custom, though it be not good, yet at least is fit; and those things which have long gone together, are as it were confederate within themselves, whereas new things piece not so well; but though they help by their utility, yet they trouble by their inconformity. They are like strangers, more admired and less favoured..

BACON.

S I R,

TH E question you have proposed is a most important one—What can be done to restore our Constitution to its ancient vigor? But in order to confine my own as well as your attention to those particular objects which now interest the Public, I would state your meaning in the following words.—What are the provisions of the English Constitution

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for

for personal and domestic security, and the preservation of order and peace?

It is a maxim of established authority, that governments, to be perpetuated, should be frequently brought back to their first principles. They are not to be reformed and changed on speculative plans, for the people are governed more by the authority of ancient customs, than by argument or reason. My business therefore shall be, to examine a venerable building, whose principal pillars remain, though perhaps concealed by ivy, or mouldered by time; and whose minuter parts can be delineated only by a reference to those which form and support the whole.

INDEED the structure itself was never perfectly completed. A rude plan was given by the Saxons, which the Danes nearly erased. The fine genius of Alfred reared

reared afterwards the general and essential parts of a structure, the idea of which has been impressed on the imagination and heart of every Englishman; and, it is to be hoped, will never be obliterated.

To some persons it appears to be a vague idea, because the magnitude of an object, whose parts are so distant, broken, and deformed, make it difficult for them to comprehend its general symmetry and beauty.

I ascribe the complete formation of those general outlines, by which we have ever defined the English Constitution to Alfred, on the authority of historians, who specify the particular regulations which rendered his government so happy as well as glorious; which have been in some degree preserved amidst violent and numerous re-

volutions ; to which every Englishman has an unconquerable partiality ; and the restoration of which to their proper vigor and effect, would secure our persons and property, and preserve that peace and order which are so essential to the happiness of the community.

KEEPING in view those general, those beautiful outlines which were formed by the institutions of our early ancestors ; over which the people sighed when broken and deformed by the Norman conquest, by the bloody contests of the Houses of Lancaster and York, by the tyranny of the house of Tudor, and the folly of that of Stuart ; and an attention to which alone, rendered the revolution a blessing :—we must define an English citizen to be a free-man ; who is to owe his protection, and the security of his family and property, to a civil government,

vernment, of which he is an essential member.

You will observe, Sir, that I confine myself to one object, or one part of our Constitution, which provided for the safety of individuals, and the preservation of order by the following regulations, still existing in names and forms; the revival of which would be the most beneficial and popular act of Government which can well be imagined.

THE whole kingdom was, as it is now, divided into counties, hundreds, and tithings. Ten families were associated, their names entered, their occupations defined: the males in them from eighteen to fifty, or sixty years of age, pledged themselves for the security of the tithing; and to obey the summons
of

of the decennary or tithingman, on the least apprehension of danger. They were furnished with such arms as the times afforded.

THE perfect knowledge which every neighbourhood had of its inhabitants; the concern which every man had in the security of every man; and the obligation which every decennary was under to be answerable for his tithing, either prevented all violations of peace and order, or corrected them at their first origin.

ALL the decennaries or tithingmen were *chosen by the people* once a-year, and this is an *essential* circumstance in the institution.

THE ten tithingmen of every district called a hundred, because it contained
a hundred

a hundred families, chose a person to preside over the hundred, to whom they made their appeals, and who had a power of calling them out—All these were amenable to the Earl or Count who governed the county; and he was amenable to the King, who either by the Earl or by the Sheriff, both of which were of his own appointment, could call out the whole force of a county, or of any number of counties, as the public exigencies required; while the internal peace and order of each district was provided for without his interference, and, in a manner, perfectly consistent with his general authority and influence.

NOTHING has ever been imagined more simple in its construction, or more effectual in the execution, than this part of the English Constitution. The
several

several powers of it, which in most cases are in eternal discord, are here so happily blended, that the people are secure and free ; the King's power extends to every thing but mischief, and is in reality greater than can be obtained on any other plan.

THESE regulations might be easily restored and rendered as effectual as ever. The prepossessions of the people are strongly in their favour ; and, perhaps, no others can be contrived which will not set the body of the people *at enmity* with Government ; which will perfectly allay their apprehensions and jealousies ; will make them the ministers of their own security, while the power of the King reaches every individual of them, by a chain, every link of which is effectual, and will not interfere with the prerogative of the King in other departments

partments of the state, however the business of them may be administered.

THIS is the *moment of time* in which these institutions may be restored. The people, sensible of their danger, and apprehensive of the consequences of employing troops to protect them, are associating in several parts of the metropolis: but they seem totally at a loss how to construct those Associations. They are embarrassed with the shoals and quick-sands of laws. Every thing is so quiet, so regular, so void of trouble under the *present* regulations of military law; and their own attempts are so inconvenient and troublesome, that they will probably give up the care of themselves, consent to a military police, or something similar to it, and consign their security and liberty to a power, which is always benignant in its first approaches, and sel-

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dom

dom shews its fangs, until it be too late
to escape them.

I have the honour to be,

S I R,

Your much obliged, and

June 20, 1780.

most humble Servant.

LETTER III.

*Consultatum inde, pro rostris, an in Senatu, an in castris adopti
nuncuparetur : Iri in castra placuit.* TAC.

S I R,

I Will answer your objections in the order you have stated them——

1. THAT the plan I have given, is not at this time practicable ; and that all armed Associations, are offences against particular acts of parliament.

2. THAT the late outrages proved the

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inefficacy

inefficacy of the civil power without the aid of the army ; that the army is a necessary part of our Civil Constitution ; and that the use made of it in suppressing those outrages, was not only expedient, but legal and constitutional.

If you suppose the plan impracticable, because the influence of the Crown and the measures of Administration are directed to the establishment of an unmixed Monarchy ; in which all the people will be *protected* by the army, part of which may have the appellation of militia, and in which such institutions as were formed for civil liberty would be inconvenient :—My answer is, That though I have ever regretted many of those measures which have lately alarmed the friends of our ancient Constitution—I do not attribute them to any particular Prince, or particular

ticular Administration. The evils we complain of are owing to a general cause ; the first operations of which, perhaps, no wisdom could easily have prevented.

AT the Revolution and the Accession of the Hanover Family, the *existence* of the Constitution was said to depend on having a certain majority in Parliament in favour of the reigning Prince. This position, though not a fact, and though a wretched artifice in policy, was admitted without controversy ; it saved the first friends of the Revolution and Hanover succession a few additional struggles ; it smoothed the way of the first Whig Administrations ; and involved their successors in the hateful necessity of perpetually extending an evil, which by rendering Parliament contemptible, and throwing an odium on Administration, and the K—g, will in
some

some future time make the whole nation acquiesce in the demolition of Government, and bring things to a state of anarchy or of despotism.

I profess to keep clear of this vortex of corruption. I am convinced that the present Cabinet and Administration have no system, but what arises from the necessities of their situation ; and that they can have no objection, because they will feel no inconvenience from the revival of constitutional institutions, which have not the most distant reference to their forms of legislation by the management of Parliament.

If you mean that is impracticable, because the inhabitants of this country are too far advanced in luxury, too indolent, too effeminate to enter on any plan of security, which will require the least trouble, or put them to the least inconvenience ;

inconvenience ; and if you can ascertain this fact, I have no answer to make. But the trouble and inconvenience are such as would not be complained of by women. What is it but an amusement to learn the common use of arms ? What inconvenience to submit to such regulations as may bring together a neighbourhood, a parish, the ward of a city, a town, a district, &c. to clear them of vagabonds, occasionally to assist the civil Magistrate, and to lay the basis of a general security, confidence, and strength, where it ought to be laid, in the whole body of the people ?

I will venture to affirm, that there is no other method by which disturbances, riots, and insurrections can be prevented (without debasing the people into the condition of brutes) : and there is no other method by which a king may
hold

hold every man in the nation in his hands; while every man in the nation would feel and know himself to be as free as it is possible he should be in society.

HINTS have been thrown out, of acts of Parliament which render such Associations as I recommend illegal; but the acts are not specified. I know there are laws forbidding a man's going armed, in a time of tranquillity and peace, without leave from a Magistrate, and specifying such assemblies of people as are dangerous and seditious; but without the most distant reference to the right which every man has from nature, from the connivance of the most despotic governments, and from the express provisions of the English Constitution—to provide for his own defence and that of his family; and to unite with his neighbourhood, under the

the eye and direction of the supreme Magistrate, for the general peace and order of the community.

IF there were such laws as you mention, they could not possibly have effect, against not only a necessary right of nature, but an essential principle of the English Constitution. If a law were made, that because it is *possible* an English elector may become venal, therefore all electors must relinquish the right of voting——Would this constitute an obligation? Will any man say, that the Legislature is competent to the making of such a law?—how much less to annihilate the first and most important principles of human society, by awarding, that as it is possible men may make an improper use of their limbs, or their arms, which may be as necessary as their limbs, they must therefore suffer them to be *taken off*.

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THE power of the Legislature, like every power in human society, is limited by certain and accurate bounds; it may exceed these bounds, and commit absurdities, and even offences. The English Legislature is just as competent to make a law, by which every Englishman may be banished to the Orkneys, or put to death, as it is to enjoin the people to give up the right of self-defence and preservation, by the use of their limbs, or by the use of arms.

THE apprehension that Associations will produce commotions and riots, instead of preventing them, must be pretended only. And all the arguments for depriving the people of the right of associating, because they have often assembled for mischievous purposes, are delusive. Cardinal de Retz says, That all numerous assemblies are Mobs; and I will add, that all Mobs are mischievous.

vous. Let the people who might form such assemblies be divided into small bodies ; and though the individuals be not improved, they will act reasonably and well. The design of Associations, is to prevent large and tumultuous assemblies ; to arrange the people under the eye of Government, as accurately as an army, without diminishing their constitutional independance and liberty ; to increase the difficulty of misleading them, and to destroy all ideas of *appeals to them*.

HERE I beg to be understood, not as aiming at any of the rights of the people : but the idea of an *appeal to them* has been borrowed from the government of *Rome* ; in England it is, like the introduction of military force, a thing that negligence or mismanagement may render *neccessary* ; but the Constitution is perfect without it ; no supposition is

made of the possibility of having any occasion to make it; and whenever it is made, the remedy may be as hazardous as any evil it can be designed to remove. A whole nation, like the human body, in order to act with harmony and pleasure, must be divided into small parts, each having its local power, subject to the direction and controul of the general will. The people of England have a right to petition, either as individuals or as bodies; but they cannot assemble, unless it be on specified occasions; or by the requisition of those Magistrates which I have described in the plan, and who are amenable to the King, as the first Magistrate of the kingdom.

THE tumultuous assembly, called the Protestant Association, was an unconstitutional one; it could not have been brought together, if the institutions I wish

wish to revive, had not been long disused; or if it had been brought together, the civil power would have fully guarded us from its outrages.

THIS leads me to your second objection.

THAT the late outrages proved the inefficacy of the civil power, without the aid of the army.—This is undoubtedly a fact; but it proves nothing more, than that a rusty firelock may be of no use.

WILL you, Sir, or any man affirm, if every Citizen of London had been, what the Constitution of England, not only allows, but requires every man to be, in a condition to defend himself and his family; to elect a Magistrate who might not only make orations for him in the Common Council, and eat
good

good dinners at the Common Hall, but call the Ward out for its general defence; take the orders of a superior Magistrate, join the other Wards, and defend the City:—will it be imagined, that any of the mischiefs which followed the Protestant Association would have taken place?—The civil power was dead! and the Magistrates were only nominal. In the case alluded to, the City of London was in the condition of a man, who, having lost the use of his limbs, is glad to be indebted to any one for protection from an enemy who would destroy him. It does not follow, that when he recovers the use of his limbs, he is to continue under the protection and in the power of his deliverer.

BUT you mean to try my temper, I suppose, when you say,—The army is a necessary part of our Civil Constitution; and

and that the use made of it, in suppressing the outrages of the Protestant Association, was not only expedient, but legal and constitutional.

I will state your meaning at large, in the words of Lord Mansfield; and answer you from a speech which he made, when his faculties were in greater vigour, and his views of the English Constitution less influenced and partial, than they can be supposed to be at present.

IN his speech on the address, Monday, June the 19th, he said, “ All men,
 “ of all ranks, descriptions, and deno-
 “ minations, are bound by their oath
 “ of allegiance to interpose for the pre-
 “ vention of acts of high treason or felo-
 “ ny, wherever any attempts to perpetrate
 “ such crimes are made in their pre-
 “ sence; and are criminal if they do
 “ not

“ not do it ; supposing, as must be un-
 “ derstood, that the ability of preven-
 “ tion is within their power or capacity.
 “ —This is a general duty ; an uni-
 “ versal obligation that extends to all
 “ the members of the community.——
 “ If a man perceives another in the act
 “ of pulling down a chapel, or place of
 “ worship, or setting fire to a house,
 “ he not only has a right, but is under
 “ a duty to endeavour to prevent him ;
 “ if the perpetrator resists, so as to make
 “ violence necessary in the prevention ;
 “ the circumstances are a sufficient sanc-
 “ tion and exculpation for the conse-
 “ quences of such a violation, to what-
 “ ever degree it may extend. How then
 “ is it, that this peculiar kind of thing,
 “ called *military law*, is to be considered
 “ as being established from the late in-
 “ terposition of the soldiery ?—What did
 “ they do, that any man was not bound
 “ to do, if he had possessed the power ?
 “ —nothing.

“ nothing. They were *sent for* to the
 “ metropolis ;—that order the King
 “ has an undoubted right to give, as
 “ the head of his armies. When they
 “ came, they were ordered to patrol
 “ the streets. In the execution of that
 “ *duty*, they found certain men in the
 “ actual commission of felony, and
 “ therefore were bound, in common
 “ with all *civil men* who had the power,
 “ and *no otherwise*, to prevent it. If
 “ they had exercised that power in an
 “ improper manner, they would have
 “ been amenable to the *civil* law, and
 “ not the military ; and if any indi-
 “ vidual of them had killed a man,
 “ without being justified by the offen-
 “ der’s perseverance in the act of felony,
 “ he would have been liable to be tried
 “ for murder, and to have suffered the
 “ laws. In the whole of these proceed-
 “ ings, therefore, the military have not
 “ acted in their *technical capacity* as mili-
 H tary,

“ tary, but have merely exercised their
 “ duty as *civil men*, which they, in com-
 “ mon with other *civil men*, have both a
 “ right and an obligation to exercise.
 “ When a body of men are convened,
 “ without proceeding to the actual per-
 “ petration of treasonable or felonious
 “ acts, then, by a clause in the riot act,
 “ the presence of a civil Magistrate is
 “ necessary, before the military can inter-
 “ pose at all ; and for this reason, that
 “ as no acts of felony were committed,
 “ they could have no plea in their *civil*
 “ character for meddling at all ; but by
 “ the statute-law of the country, it be-
 “ comes felonious in any combination
 “ of men to persevere in that combina-
 “ tion after the riot act has been read
 “ by a Justice of the peace ; and this
 “ being done, then, and not till then,
 “ they have a *constitutional* reason for their
 “ interposition ; namely, the privilege
 “ and duty of hindering the com-
 “ mission

“ mission of felony whenever they
 “ have it in their power. This being
 “ therefore the plain *voice of the law*,
 “ I do not see how any *prerogative* of
 “ the King has been exercised, nor how
 “ military law has been established:
 “ Nothing has been done *out of the regu-*
 “ *lar course of the law*, and no power has
 “ been assumed by the soldiery, which
 “ they do not possess as civil individu-
 “ als, and not in their technical capa-
 “ city, as members of the military.

In the following passage, Lord Mans-
 field has answered himself.—* “ It will
 “ be said, I suppose, that the civil Ma-
 “ gistrate is not strong enough; shall
 “ he not then call in the assistance of
 “ the troops?—I beg leave to say, that
 “ the

* Mr. Murray's speech on the Westminster election in
 1741.

“ the law of England, will not suffer a
 “ supposition of that sort to be made :
 “ for if a Sheriff who is armed, (I am
 “ aware of the objection) I say, if a
 “ Sheriff who is armed with the civil
 “ power of his country, or if a Bailiff
 “ who is armed by the law, if he should
 “ give an answer, for not returning the
 “ King’s writ, that he was resisted ;
 “ though the fact be true, the law con-
 “ siders it as a fact not to be supposed,
 “ and an action lies against him at the
 “ suit of the party—and why?—be-
 “ cause it is a *libel on the Government*, to
 “ suppose the civil Magistrate not strong
 “ enough.—The troops are kept up
 “ up by *annual bills*, not for the assistance
 “ of the civil Magistrate, that would
 “ be for a reason that *lasts for ever*.—
 “ Can any civil Magistrate send a war-
 “ rant to the Guards?—Is there such a
 “ warrant known to the law?—No man,
 “ Sir, would wish *to live* to see that day,
 “ when

“ when the Civil Government of this
 “ Country cannot support itself without
 “ the assistance of the military. I will
 “ be bold to say, when it is not, *that*
 “ *Civil Government is undone*; for it is then
 “ not the *law*, but the *military* that go-
 “ verns; and I hope in this country,
 “ the bare word of a *tipstaff*, will go as
 “ far as the commands of a *lieutenant*
 “ *general*.——Suppose, Mr. Speaker, a
 “ case of the most extraordinary neces-
 “ sity, when the civil Magistrate is really
 “ *over-powered*; and there is *fire set to the*
 “ *town*; shall not the troops then be
 “ called in to his assistance?—I think I
 “ put the objections as strong as I can.
 “ —*That fatal argument of contending for*
 “ *an EXCEPTION to constitutional principles*;
 “ *that fatal argument has brought us many*
 “ *times to the brink of destruction.*”

THOUGH I consider this answer of
 Lord

Lord Mansfield to himself as a sufficient one, to those who understand the nature of the English Constitution, I cannot avoid making some observations on a speech which is fraught with more pernicious sophisms than any which I ever read. I suppose Lord Mansfield's talents in this species of eloquence never to have been exceeded : *parvus callidus, bonos & modestos anteibat*.—He began with prepossessing his hearers in his favour by the most candid and liberal sentiments on Toleration. He then impressed on their minds the strongest detestation of the late outrages, by a *banditti* calling itself a *Protestant Association* : having been a sufferer himself, from an *apparent wantonnefs* in their cruelty ; and speaking in a *resigned* tone, every word sunk deeply, and gave him full possession of the hearts of his hearers. He took his usual advantage of the acquisition : he dwelt
on

on all the possible perils of our situation, except those which were obvious and impending; and men being more governed by imagination than reason, he artfully supposed they might be made to distrust the ground they walked upon from imaginary dangers, sooner than suspect those measures which they might see gradually encircling and annihilating their enjoyments. In this shadowy region of multiplied doubts, apprehensions and mischiefs, he introduced the military power in the garb of a beneficent and necessary divinity: for by a legerdemain, of which his Lordship has been long a master, a military man is convertible into a soldier or a citizen, as royalty may move its scepter; so that by this art of transmutation, the army, having received the royal touch, and thereby endowed with *civil* qualities, may be received into the very *bosom* of
the

the Constitution, with the utmost security and benefit: and may occasionally be taken out, endowed with military properties, and be most formidable to our enemies.—This is the sophistry of modern eloquence!—these are the arts of modern policy!—And is the sterling manly sense of the English nation so adulterated, so debased as to be imposed upon by such tinsel and such tricks!

THE Constitution of England *knows no such character* as a mercenary soldier, at the sole will of the executive power. No soldier, as such, can be employed in the service of that Constitution, without a particular act of Parliament in his favour. When he is enlisted and employed, he is absolutely a *slave*. He is *bought* at a certain price; or he *sells* his liberty to preserve a *forfeited* life; and
 he

he is held to his duty by laws which affect no other part of the community. I conceive therefore, that no act of Parliament, consistent with the spirit of the Constitution, can constitute a *soldier*, while he continues a soldier, a *Citizen of England*.

THE army was first introduced in a case of pretended necessity. Mercenary armies were understood to consist of men who had either detached themselves, or been *forced* from civil societies. Laws were made on those suppositions, regarding their liberties and lives, such as no members of civil society could submit to. The very idea of blending them with the common subjects of the state, and giving *persons of their description* a right of *judging* on its most *important* occurrences, would have filled our ancestors with horror, and not a soldier would

I

have

have been suffered in the land.. They have been *tolerated* only by *annual* bills, and under repeated pretences. Why these pretences? or why these annual bills? if a military power be a necessary part of the Constitution? if soldiers be not only our fellow subjects, but from their privilege of going always armed, and their superior skill in the use of arms, they are constituted the arbiters of our lives on the slightest and most frivolous contentions?

I hope the good sense of the nation will revolt at this *legerdemain*; which is to transform a soldier into a *civil man* or into a *military man*, as Government may chuse to employ him; and which will render our condition worse than that of those who are clearly and wholly subjected to martial law. For if this being called a soldier, *bought* from the refuse of our gaols,

gaols, unprincipled, ignorant, and savage; impelled to any thing by the command of his leader; and subject to death on disobeying it, whatever it be—if this being is to be held before us as possessing *a double capacity*, when he dare not in any case have a will of his own; if he is to blend in our affairs, and by a hint (*a permission*) from his officer, to judge of and determine them—we are tantalized with the faint shadows of ancient rights, while we are actually *enslaved*. For being told these are *civil men* who exercise *their judgments* in so decisive a manner on our contentions and lives, and in the execution of *their* determinations sacrifice the unoffending with the offenders, we may be tempted to seek a remedy, which Lord Mansfield *says* we may have against them in a court of law; and thereby add to those *offences* on which they may have *permission* from their commanders to judge

and decide ; or we may find them *transformed* into military men.

LET us, in his Lordship's own manner, suppose a case ; and it may be a *possible* one ;—that the King should order his troops, a power he undoubtedly has as the head of his armies, to all the towns where Members of Parliament are to be chosen at the General Election, to controul, and determine matters at his pleasure.—It will be said, there is an Act of Parliament forbidding their approaching such places. True ;—but it relates only to their *military* capacity. They attend only in a *civil* one ; though commanded by an authority which it is death to disobey : and *finding an occasion* to disperse assemblies, and to produce order and quiet, they take the *hint of freedom* from their commander, and kill the citizens who resist or disobey them. We are told, if they have done any thing
unlawful

unlawful we must have recourse to the laws ; but their term of civil freedom instantly expires with the occasion for taking permission from their commander ; and when called upon to answer for obeying the commands of their officers, they start up *soldiers*, and shelter themselves under military law.

LET the King send ten thousand men to disperse those peaceable, regular assemblies, who are petitioning Parliament from several counties for a redress of the most oppressive grievances ; though this be done by troops in martial array, and by a command (Lord Mansfield calls it permission) from an officer, to be obeyed on pain of death, they may said, according to the sophistry by which it is attempted to impose on us, to act in a *civil* capacity ; in which capacity they may *massacre* all who create the least tumult

mult in endeavouring to *arrest and render them amenable to law*:

I therefore repeat what I have said—the Constitution of England knows no such being as a mercenary foldier; that in becoming such, a foldier gives up almost all his civil rights, and is a *slave*, though of a particular description; that the laws *tolerate* an army for certain periods, and under certain restrictions; but there is no law which admits the interference of the military in any of the operations of civil Government. The interposition of the army in the late outrages, was an *act of prerogative, unconstitutional and illegal*, though perfectly seasonable and beneficial. The public safety and benefit may sometimes excuse exertions of power, which would be injurious and tyrannical on ordinary occasions.

IF therefore, instead of having our civil Constitution restored, we are to be governed by the *manœuvres* and *magic contrivances* hinted at by Lord Mansfield, the people will either be so exasperated that we shall have one Association of the whole kingdom, to crush our dissembling oppressors; or they will emigrate into the milder domains of arbitrary power, where the convulsions attending its establishment are passed, and the national character and manners of its inhabitants correct and meliorate its hardships.

BUT if it were possible that the army could be legally incorporated with the other parts of our civil Constitution; if such a supposition were not the severest *libel* on it, its numbers must be prodigiously increased to form a police for the nation; and when that police were formed, it would not procure that
security

security which might be had by Associations: while the necessary oppressions, consequent on military and despotic power, would multiply *wretches* and *villains*, whom no severity could effectually suppress. The plan of Associations would *prevent* the evils which a military power could only *punish*. They would clear all neighbourhoods of disorderly and suspicious persons; and every man would be happy in his situation, secured by himself from the attempts of villainy, without giving up his liberty as the price of that security.

WE are at this time, Sir, brought into an alarming situation; and are hovering between Scylla and Charybdis. On the one hand, the general decay of civil Government, owing to the various engagements of all Administrations since the Revolution; and on the other, a
spirit

spirit of conquest and enterprize by military force—hold before us this horrible alternative, to sink into anarchy, or submit to arbitrary power, by accepting the *kind* offers now made us, of being made fellow-citizens with mercenary soldiers, and being protected by their *judgment* and *virtue* from the effects of our *own* irregularities.

IGNORANCE only in the navigation of antiquity, made Scylla and Charybdis formidable. Knowledge has since steered between them without danger or apprehension. Prosperity has lulled the people of this kingdom into an indolence, which admits of any *gradual* encroachments on their rights. But the blow, aimed by a desperate and enthusiastic banditti * at *all* of them, has roused the
nation

* The Author involves the Protestant Association in the
guilt

nation into attention, an awful kind of attention—*non tumultus, non quies, quale magni metus & magnæ iræ silentium est*: and this point of time is to be improved by us, as that on which every circumstance depends, which has given us a distinguished rank in the world.

IN a state of anarchy, confusion, and distress, we have been saved by the interposition of a military power, exerted by the prerogative of the King:—that power is now thought necessary to the execution of the laws; but let it be withdrawn, as it must be on the appearance or apprehension of an enemy, and our anarchy and misery must return: let it be continued; and though it be not competent to secure *peace* and *order*, it will necessarily render us *slaves*. We
are

guilt of the late outrages, because nothing but bigotted cruelty could have committed them. Robbers are satisfied with booty; bigots are to be gratified with misery and blood.

are therefore under a necessity of resum-
ing the parts of *men* and *citizens* ; of asso-
ciating for reciprocal defence ; and re-
viving those wise institutions of our an-
cestors, to a very imperfect and partial
use of which we have been indebted for
all our glory and happiness.

Sicut a majoribus accepimus, sic posteris tra-
damus.

I have the honour to be,

S I R,

Your most obedient

humble Servant.

T H E E N D.

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11/22/2017

